IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO.21768 of 2004

Between:

1 Smt. Balamani, w/o G. Damodar,
R/o H.No. 1-49/2/D, Shankar Nagar Colony, Chanda Nagar,

Serilingampally Mandal,
Ranga Reddy District (A.P).
2 Smt. T. Swarupa Rani, W/o T. Krishnan,
R/o H.No. 1-49/2/C, Shankar Nagar Colony, Chanda Nagar,

Serilingampally Mandal,
Ranga Reddy District (A.P).

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by the Principal Secretary,
Revenue (U.C.I) Department, Secretariat, Hyderabad (A.P).
2 The District Collector, Ranga Reddy District, Lakdi-ka-pool,
Hyderabad (A.P).
3 The Mandal Revenue Officer, Serilingampally Mandal,
Ranga Reddy District (A.P).
4 The Municipal Commissioner, Serilingampally Municipality,
Serilingampally, Ranga Reddy District (A.P).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction or writ more appropriately a Writ of Mandamus to declare the inaction of respondents in disposing of the Petitioners' representation dt. 15-12-2001 as directed by this Hon'ble Court in W.P.No.21341/2002 dt. 25-10-2002 as illegal and further direct the respondents to follow G.O.Ms.No. 455 Revenue (U.C.I) Department dt. 29-7-2002 while disposing of the petitioners' representation dated 15-12-2001 forthwith.

Counsel for the Petitioners: MR.K.RAJANNA

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: Sri R.ThimmaReddy, SC for Municipality.

The Court at the stage of admission made the following :

ORDER:

The petitioners herein claim to have purchased two separate vacant house sites admeasuring 102 square yards and 108 square yards respectively in survey No.240, Chanda Nagar village, Serilingam Palli Mandal, Ranga Reddy district, under registered sale deeds dated
27-8-1999 and taken over the possession of the house sites. That after obtaining valid permission, they had constructed houses thereon and paying the property tax regularly. While so, in the year 2002, the Revenue Officials, had allegedly interfered with their possession and the petitioners filed W.P.No. 21341 of 2002. The said writ petition was disposed of by order dated 25-10-2002, the operative portion reads as under:

> *"The writ petition is accordingly disposed of directing the 1st respondent to consider the application submitted by the petitioners for regularization/allotment of the lands in their favour subject to payment of market value, within a period of one month from the date of receipt of this order. If the request of the petitioners is accepted, they shall be entitled to continue in the premises on payment of market value, as may be fixed by the authorities. If, for any reason, the application of the petitioners is rejected, the petitioners shall be liable to vacate the same within a period of one month thereafter, without there being any necessity to issue further notice."*

The grievance of the petitioners in the present writ petition is that without passing any orders on the application submitted by them for regularization/allotment of the lands, the respondents are trying to evict them and to sell the schedule land by way of public auction.

Learned counsel for petitioner submitted that Government has issued G.O.Ms.No.455 Revenue (U.C.I) Department dated 29-7-2002 for allotment of Government land free of cost upto extent of 84 square meters and if it exceeds, on payment of market value, and that the case of the petitioners is covered under the said Government order and petitioners are entitled to the benefit under the said

Government Order.

Heard learned counsel for petitioner, learned Government Pleader for Revenue and Mr.Timma Reddy, learned Standing Counsel for 4th respondent Municipality.

The counsel appearing for respective parties, agreed for disposal of the writ petition with a direction to respondents to consider the application of the petitioner and to pass appropriate orders thereon expeditiously.

In the circumstances, the respondents 2 and 3 are directed to consider the representation of the petitioners, if any pending, and pass appropriate orders as per the order of this Court in W.P.No.21341 of 2002 dated 25-10-2002 and in terms of G.O.Ms.No.455 dated 29-7-2002 and till such time, status quo existing as on today shall be maintained. It is made clear that if already the application of the petitioners for regularization/allotment of lands in their favour was considered and their request is rejected, the petitioners shall vacate the subject land within one month from today.

Subject to above observation, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

29-11-2004

TVK/NSR

To,

1 the Principal Secretary,Government of Andhra Pradesh
Revenue (U.C.I) Department, Secretariat, Hyderabad (A.P).
2 The District Collector, Ranga Reddy District, Lakdi-ka-pool,
Hyderabad (A.P).
3 The Mandal Revenue Officer, Serilingampally Mandal,
Ranga Reddy District (A.P).
4 The Municipal Commissioner, Serilingampally Municipality,
Serilingampally, Ranga Reddy District (A.P).

5. 2 CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

6. Two CD copies.

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO.21768 of 2004

Date: 29-11-2004